

MINUTES

Rule Making Hearing was held.

The Tennessee State Board of Cosmetology held a meeting on November 5, 2007 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, H. D. Adcock, Vice Chairman, June Huckleby, Janet Wormsley, Muriel Smith and Hazel Moore. Lee Bowles and Judy Golden were not present.

Others present were: Beverly Waller, Executive Director, Kathryn Wiseman, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman Linda Colley welcomed instructors and students.

Chairman Linda Colley called for roll call.

MINUTES

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to accept the minutes from the October 1, 2007 board meeting. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Mr. Harry Knox – Knox International 2000 Beauty School, Chattanooga, TN – Present. Mr. Larry Chadwick, Inspector present. Mr. Knox placed an application for change of location for his beauty school. During the inspection by June Huckleby, Board Member and Larry Chadwick, Inspector it was determined the new location did not have the required 2,200 of square footage, enclosed classroom or hot water. The ceiling tiles had mold and mildew. The school could not be approved for the change of location and Mr. Knox is present today to discuss his situation with the board.

Mr. Knox presented the board with the blue prints for the school. The prints show 2,640 of square footage. The board was advised by Mr. Chadwick that the blue print square footage is not correct. Mr. Knox stated he has located another building for relocation of his school. Ms. Huckleby asked Mr. Chadwick to stop by that location. Mr. Knox was advised once everything is set up to contact the office for inspection.

Dr. Gary Adcox – Southeast School of Neuro Muscular Massage-Keiser Career College – Present. Mr. Adcox is present today to discuss with the board offering a Paramedical Esthetician curriculum at Keiser Career College after opening a campus in Tennessee. The paramedical Esthetician curriculum would be a 1,200 hour clock hours/54 credit hour curriculum to qualify for the esthetics examination and licensing in Tennessee. Dr. Adcock contacted the medical board in Tennessee and they directed him to the cosmetology board that regulates esthetics license.

The board stated they do not have the authority to approve this program and this is not in the Tennessee State Board of Cosmetology rules or laws.

Ms. Joyce Meadows – Georgia Career Institute – Michael Martin is present to today for Ms. Meadows. Mr. Martin is present to discuss the beginning of enrollment of students in the manicurist, esthetics and natural hair styling instructor curriculums.

The board stated that schools could begin enrollment of students for the programs and hours would be accepted. Testing will not be available until January 15, 2008.

ADMINISTRATION REPORT

Lebanon Beauty & Styling Academy located in Lebanon, TN presented an application for a new school of cosmetology at the October meeting. This school was inspected by Ms. June Huckleby, Board Member and Mr. Terry Barnes, Inspector and was in compliance with all requirements. Application needs approval from the board.

MOTION was made by Ms. Janet Wormsley and seconded by Ms. Hazel Moore to accept the application. Motion carried unanimously.

Riki C. Berg is requesting approval to take the State of Tennessee cosmetology examination. The proof of training from the California State Board show total hours completed in the Hair California Beauty Academy as 1,500. High school diploma and additional documents were provided.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to accept the application for examination. Motion carried unanimously.

Shahla Karim Pir Hayati from Iran is requesting approval to take the cosmetology examination. The documents from Iran state Ms. Hayati completed 1,700 hours of instruction in “Hair Dressing” in the Narges Center. Proof of her high school education was provided.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to accept the application for examination. Motion carried unanimously.

Sandra Clark is requesting an extension from the 2006 instructor seminar. Ms. Clark had previously requested an extension which the board had declined. Ms. Clark is requesting that the board reconsider due to a misunderstanding on her part. Ms. Clark apparently attended some type of training in Nashville in 2007 which was not board approved. During 2006 she was in the process of changing jobs and etc. Ms. Clark states in her request that she is primary care giver for her son and mother, who have serious illness and her failure to attend the seminar was an oversight with everything that was going on in her life.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckeby to request Ms. Clark to attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Nella Pearl Frierson is requesting an extension from the 2007 instructor seminar. Ms. Frierson was at the seminar when she received a call that her step mother had passed away.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to accept the extension from the 2007 instructor seminar and have her attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Keisha Smith is requesting an extension from the 2007 instructor seminar due to financial reasons.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to deny the request for the extension unless she is able to send in references of the financial reasons. Motion carried unanimously.

Kathy Meade is requesting an extension from the 2007 instructor seminar due to being the sole caregiver of her elderly ill mother.

Ms. Hazel Moore requested that Ms. Meade send the board a medical statement of her mother's illness.

Ms. Jean Hunt is requesting an extension from the 2007 seminar due to the stroke of her husband who was going to drive her to the TSU seminar.

Ms. Hazel Moore requested that Ms. Hunt send the board a medical statement of her husband's illness.

Allison Collins is requesting an extension from the 2006 instructor seminar. Ms. Collins obtained her instructor status in February 2006 and was not aware she was required to attend the seminar that year. Ms. Collins did however attend the 2007 instructor seminar at TSU in August.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to accept the extension and have Ms. Collins attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Calvin Robinson is requesting an extension from the 2007 instructor seminar. Mr. Robinson did provide a medical statement from Dr. Lapre – VA Medical Center in Nashville.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to accept the medical statement and have Mr. Robinson attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Toni Freeman is requesting an extension from the 2007 instructor seminar due to surgery recovery time and financial reasons. Documents provided a medical proof (from a Blue Cross/Blue Shield claim form) with date of surgery (April 27, 2007). Seminars were held in the months of June, July and August 2007.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to grant the extension and request Ms. Freeman attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Karen Carta is requesting an extension from 2007 instructor seminar due to going thru a painful divorce she did not have the money for the seminar and unable to have a weekend free to attend the seminar due to obligations to her child.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to not grant the extension. Motion carried unanimously.

Ms. Waller asked the board, "Is Diamond Head Resurfacing" within the scope of an aesthetician license in Tennessee? It is a form of Microdermabrasion which esthetician is allowed to perform in Tennessee with proper training.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Janet Wormsley that yes, it can be used with proper training. Motion carried unanimously.

At the October board meeting, board members were given information on the Laundry Plus system which is a unit you attach to a washing machine which uses a UV bulb and Silver Ion Probe in place of washing powders and bleach for cleaning of laundry. The board tabled the presentation until they had a chance to read about it. The request for approval was after a cosmetology school had received a presentation by a representative. In reading over the material it states Laundry Pure is designed for residential use only.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to take no action on this at the present time. Motion carried unanimously.

Mid South Styling Academy located in Chattanooga, Tennessee has been closed for over a year. The initial closing was to renovate the school. Ms. Waller spoke with the school owner in April 2007 and was advised that the school was not going to reopen and Ms. Waller advised them to return the school license and the completion withdrawal forms for students to the board office. Ms. Waller spoke to the school again in May 2007 and the lady advised that her father was suppose to return the license, but the board office never received them. The school did not renew license during the renewal period and is

still closed. Ms. Waller would like the board to vote that this school is officially closed. Most of the students who attended this school continued their education at another school that the ladies father owns. Mr. Larry Chadwick stated that the school is closed.

MOTION was made by Ms. June Huckleby and seconded by Ms. Hazel Moore that this school is considered closed. Motion carried unanimously.

Jennifer Susan Swanberg is requesting reciprocity of her manicurist license. Applicant is licensed in the State of New York. Certification from the New York State Board certifies 250 hours of instruction in the curriculum and licensed since May 26, 2005.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to have Ms. Swanberg to return to school for the remaining 350 hours and take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Dao Ngyen is requesting reciprocity of his manicurist license. Applicant is licensed in the State of Colorado. Certification from the Colorado State Board certifies 350 hours of instruction in the curriculum and licensed since November 11, 2004.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request Mr. Nguyen to return to school for the remaining 250 hours and take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Tamera Murphy is requesting reciprocity for her esthetics license. Applicant is licensed in the State of Florida. Certification from Florida State Board certifies 260 hours of instruction in the curriculum with no state board examination and licensed since September 29, 2004.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to request Ms. Murphy return to school for the additional hours required and take and pass the esthetician examination to become licensed in the State of Tennessee. Motion carried unanimously.

Margaret Radek is requesting reciprocity of her esthetics license. Application was previously submitted with only a certification from the Pennsylvania State Board certifying 300 hours of instruction in the esthetics curriculum and licensed since December 14, 2005. Ms. Radek has now submitted a certification of licensing from the Maryland State Board certifying 600 hours in the esthetics curriculum and has been licensed in that since October 6, 2005. Ms. Radek explained to Ms. Waller that she obtained her education in Maryland and not Pennsylvania and holds a valid license in both states.

MOTION was made by Ms. Muriel Smith and seconded by Mr. H. D. Adcock to request Ms. Radek take the esthetician examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Loan Coa is requesting reciprocity of her license from Florida. Applicant licensed in the State of Florida as a Full specialist which is nail/facial license is 240 hours for nails and 260 for facial total of 500 hours with no state board examination. Ms. Waller was not able to make contact with Ms. Coa to ask her what license she was applying for since the State of Tennessee does not have such a license. Ms. Waller states she is assuming she is applying for manicurist license.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to request Ms. Cao obtain an additional 360 hours and give her credit for her 240 hours from Florida, then have Ms. Cao take the manicurist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Elizabeth Wells is requesting reciprocity of her cosmetology license. Applicant is licensed in the State of Florida. Certification from Florida certifies 1,200 hours of instruction in the cosmetology curriculum and license since December 20, 1995. Work history provided is not recent and consistent. Dates (August 12, 2004 thru August 27, 2004, July 25, 2005 thru September 30, 2005, November 5, 2005 thru April 8, 2006, and July 26, 2006 thru December 19, 2006.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to request Ms. Wells take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Thuy Linh Nguyen is requesting reciprocity of his manicurist license. Applicant is licensed in the State of Virginia. Certification from the Pennsylvania states date of licensing as March 27, 2007. Pennsylvania requires 200 hours of instruction in the curriculum. Applicant submitted transcript from the Executive Beauty Academy in Woodbridge, Virginia with 600 hours in the manicurist curriculum, but no certification of licensing provided from Virginia and Virginia only requires 150 hours in the manicurist curriculum.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to require that Ms. Nguyen take an additional 400 hours and take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Jusint Huu Nguyen is requesting reciprocity of his manicurist license. Applicant is licensed in the State of California. Certification from the California State Board certifies 400 hours in the manicurist license and date of licensing is January 3, 2007.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to request Mr. Nguyen return to school for an additional 200 hours take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Tricia Raleigh-Martin is requesting reciprocity of her cosmetology license. Applicant is licensed in the State of Oklahoma. Certification from the Oklahoma State Board qualifications for licensing is 1,500 hours training in a cosmetology school or 3,000 hours apprenticeship training. Applicant obtained her license by 3,000 hours of apprenticeship and has been licensed since December 13, 1988. Board office did not request a five year work history due to the apprenticeship training.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to request Ms. Raleigh-Martin take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Hieu Ha is requesting reciprocity of his manicurist license. Applicant is licensed in the State of Georgia and certification states he has been licensed since March 25, 2004. Mr. Ha obtained his license in the apprenticeship program because his work history is from the Nail Salon in Canton, Georgia from May 22, 2002 thru June 1, 2007.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to request Mr. Ha take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Jeannie Pereira is requesting reciprocity of her esthetics license. Applicant is licensed in Hawaii. Certification from the Hawaii Department of Commerce and Consumer Affairs states applicant completed 600 hours in the esthetics curriculum and passed the National examination and completed 350 hours in the nail technician curriculum and passed the National examination. Applicant obtained license March 22, 1993 and license is current. Employment history was enclosed. Was owner of the Face Skin Care Clinic from December 2000 to present (2007).

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to grant Ms. Pereira reciprocity for her esthetics license in the State of Tennessee. Motion carried unanimously.

Leeann Sang Nguyen is requesting reciprocity for her manicurist license. Applicant is licensed in the State of California. Initial date of licensing is January 17, 2006 with 400 hours in the manicurist curriculum.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to request Ms. Nguyen to obtain an additional 200 hours, take and pass the manicurist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Hannah Mae Toban is requesting reciprocity of her cosmetology license. Applicant is licensed in the State of Florida which requires 1,200 hours of instruction in the cosmetology curriculum. Initial date of licensing is May 10, 2007. Applicant has submitted supporting documents from Aveda Institute, St. Petersburg, Florida stating she completed 1,277.44 hours in the cosmetology curriculum and after graduation she acquired 720 hours in the master's program which total 1,977.44 in the cosmetology program.

MOTION was made by Ms. Hazel Moore and seconded by Mr. H. D. Adcock to grant reciprocity for Ms. Toban her cosmetology license in the State of Tennessee. Motion carried unanimously.

Sonia Singh is requesting an esthetician license in the State of Tennessee, so that she can perform threading, bleach, facial and waxing. Ms. Singh sent her diploma from Venus Beauty Parlors Training Division in India with dates of attendance of May 1989 to 1990 with no total hours.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to deny the request for Ms. Singh to obtain her esthetician license. Motion carried unanimously.

Khady Camara had previously requested reciprocity of her natural hair stylist license. The board requested a five year work history from Ms. Camara. Ms. Camara submitted a statement stating she worked as a Braider at Gallery Hair Braiding in New York from March 2001 to July 2003, Picker/Packer warehouse in Memphis from October 2003 to February 2004 and a Braider at Aida Hair Braiding in Mississippi from May 2004 to November 2005. This is not what the board requested.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to request Ms. Camara return to school for her remaining hours, take and pass the Natural Hair Stylist examination to become licensed in the State of Tennessee. Motion carried unanimously.

Fang Wang is requesting the board allow her take the manicurist examination. Ms. Wang attended Belinda International Professional Training School in China. Ms. Wang has 600 hours in a nail care program and has improved her English.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to allow Ms. Wang to take the manicurist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Hoang Yen Thi Le is requesting reciprocity of her manicurist license. The applicant completed a 9 month, 700 hour manicuring course in Vietnam at Service and Vocational Education Center in Hochiminh City and passed the required examination.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to request Ms. Le take the manicurist examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Robert A. Ammons is requesting to take the Cosmetology examination. Mr. Ammons completed the 3,000 hours/18 month apprenticeship training in the State of Georgia. Mr. Ammons completed an application for reciprocity before it was determined he was not actually licensed in the State of Georgia.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Hazel Moore to deny the request. Motion carried unanimously.

Middle Tennessee School of Cosmetology locating in Cookeville is requesting a change of name. The new name will be Genesis Career College.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to approve the name change. Motion carried unanimously.

Linda Crass is requesting an extension from the 2007 instructor seminar. Ms. Crass states she is not working as an instructor and did not realize she had to meet the continuing education requirements to maintain her instructor status.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to request Ms. Crass attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

Gina Rosibel Diaz is requesting reciprocity of her cosmetology license. Ms. Diaz owns Gina's Beautiful Boutique in Memphis. She has submitted documents tat she attended Salon de Belleza Cinderella school of beauty and cosmetology in the Republic of Honduras. Hours of study listened is 1,800. Record of work is 300 hours, cut hair 200 hours, color 320 hours, rinse, 200 hours, permanent 330 hours, straight/smooth 100 hours, manicure 100 hours, pedicure 200 hours, makeup. Diploma title is Cosmetology and Stylist of Beauty. The hours were obtained in an apprenticeship program.

MOTION was made by Ms. Hazel Moore and Ms. Muriel Smith to request Ms. Diaz take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Mariam Diane Anderson is requesting an extension from the 2007 instructor seminar. Ms. Anderson states in her letter that she didn't attend due to her personal and professional life being in an upheaval.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckeby to deny this request. Motion carried unanimously.

Dorothy Diane Brewer is requesting an extension from the 2007 instructor seminar. Ms. Brewer states she was unable to attend the seminar an emotional and financial hardship. The Board has granted Ms. Brewer and extension from the 2005 instructor seminar with instructions she was required to attend the 2006 and 2007 instructor seminars. Ms. Brewer attended the 2006 instructor seminar, but is not requesting an extension from the 2007. Ms. Brewer is requesting board approval of the 16 hours continuing educational seminar in Birmingham, Alabama, November 25-27, 2007. Enclosed was the agenda for the seminar and also reference letters from her employer and students at Highland Cosmetology School in Chattanooga, Tennessee.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to grant her approval for the 2007 instructor seminar in Alabama. Motion carried unanimously.

The use of formalin tablets being a health risk was discussed at the last meeting. Ms. Waller contacted the other state boards and the response from each state is included in the packets.

The revised CIB's for all cosmetology examinations need approval. If the CIB's are approved today they will be effective by January 15, 2008.

PSI has asked the board to review what candidates are required to wear for examinations. The CIB states candidates are required to wear either (1) their school uniform or smock with no identifying marks, or (2) a smock, shirt and long pants (no jeans). All identifying marks on candidate's attire and supplies such as school logos must be covered before entering testing facility. All candidates must wear closed toe shoes.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. June Huckleby to approve the CIB's and request students to wear school uniform, smock or apron with no identifying marks and closed shoes for their protection. Motion carried unanimously.

Consent orders totaled \$1,300.00.

Redsign Hair Salon
6737 Ringgold Road
East Ridge, TN 37412

Violation issued May 3, 2007
Pd \$300.00 on 10-02-07

Hotsy Potsy 'n' More
5075 Hwy 31 North
Spring Hill, TN 37174

Violation issued April 13, 2007
Pd \$500.00 on 06-07-07

Lynn Nails
4037 N Roan St.
Suite 8
Johnson City, TN 37615

Violation issued July 18, 2007
Pd. \$500.00 on 11-5-07

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. Case No.: L07-COS-RBS-2007079041

August 21, 2007 Notice of Violation provides that hair and make-up services were preformed at a motel establishment without a shop license. Respondent admitted the services were being performed. Respondent indicated that she would stop this activity and that she would take the advertisement of those services off of her website.

Recommendation: C & D Letter to the owner of the establishment

2. Case No.: L07-COS-RBS-2007079241

Complainant alleges that the Respondent, licensed aesthetician, failed to document properly in accordance with SOP, failed to obtain consent to treat each patient, and failed to obtain permission to give away services performed in the office. This is not a violation of laws and rules.

Recommendation: Dismiss

3. Case No.: L07-COS-RBS-2007079051

August 31, 2007 Notice of Violation provides that the Respondent was working in an unlicensed shop out of her residence. Investigation revealed that the Respondent has an individual license, works at a licensed salon, but also provides hair cuts out of her residence for family and friends.

Recommendation: Authorize formal (Consent Order with \$500.00 civil penalty)

4. Case No.: L07-COS-RBS-2007079061

August 22, 2007 Notice of Violation provides that the cosmetologist working at the Respondent, salon was working with an expired license.

Prior complaints: None

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

5. Case No.: L07-COS-RBS-2007079081

August 29, 2007 Notice of Violation provides that the Respondent, shop owner, moved her shop to a new location prior to an inspection.

Prior complaints: None

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

6. Case No.: L07-COS-RBS-2007079091

August 22, 2007 Notice of Violation provides that the inspector observed two (2) unlicensed individuals providing manicuring services and also found a wax machine in the nail shop.

Prior complaints:
2006- unlicensed operator; \$500.00 civil penalty;
2007- unlicensed operator; pending

Recommendation: Authorize formal hearing (\$2,000 civil penalty)

7. Case No.: L07-COS-RBS-2007073411

Complainant alleges that the Respondent, nails shop provided her with poor manicuring services. Complainant requested gel nails and the day after the manicurists worked on her nails, her nails began to chip, one of her nails got caught on a lid and she began to bleed. She went back to the shop and they punctured her thumb attempting to take the nail off. Shop owner responded to the complaint stating that they are not at fault if Complainant's nail was caught on a sharp lid. Also, shop owner indicates that he told the Respondent that if they were to repair her nails, while they were bleeding, it would cause a lot of pain, but the Complainant insisted.

Prior complaints: None

Recommendation: Dismiss

8. Case Nos.: L06-COS-RBS-2006005111, L05-COS-RBS-2005020611

Notices of Violation allege that the Respondent, shop had MMA; however, shop owner showed the inspector an invoice which said “no MMA” on it so that is what the shop owner assumed was in the containers.

Recommendation: Letter of Warning (follow up with inspection)

9. Case No.: L07-COS-RBS-2007051441

Complainant alleges the following: that there were no licenses posted in the shop; the shop was unsanitary; she was forced to pay \$40.00 for an unfinished product; and that obscene videos were playing in the shop. Shop owner responded to the complaint stating that all of their shop licenses are posted, they do not force anyone to buy their services, the shop is not unsanitary and obscene videos were not playing in the shop.

Recommendation: Dismiss

10. Case No.: L07-COS-RBS-2007053081

February 21, 2007 Notice of Violation provides that the inspector observed eight (8) unlicensed individuals in this natural hair braiding shop and the shop had an expired license.

Prior complaints:

2004- unlicensed operators, \$500.00 civil penalty;

2005- unlicensed operators, pending

Recommendation: Close with No Action

11. Case No.: L07-COS-RBS-2007074311

Complainant alleges that after a relaxer was applied to her hair, her scalp was burned and her hair began to fall out. Respondent states that the Complainant began to complaint that her hair was “shedding” three (3) weeks after the relaxer was applied. In the intervening three (3) weeks, Complainant’s daughter had styled her hair. Respondent states that when she inspected the Complainant’s hair, there were no signs of abrasions, breakage or redness. Although Respondent did not see any hair damage, Respondent gave the Complainant a deep conditioning. Two (2) weeks later, Complainant still claimed that her hair was damaged, but no damage could be observed.

Recommendation: Dismiss

12. Case No.: L07-COS-RBS-2007078231

Complainant alleges that two (2) licensed cosmetologists have approached students offering to sell them school hours so that they could get a Tennessee license.

Recommendation: Refer to investigations to get responses from the Respondents

13. Case No.: L07-COS-RBS-2007078171

August 31, 2007 Notice of Violation provides that the Respondent, shop owner, is operating a shop without a license. Respondent was cutting her boyfriend's hair when inspector was present. Although Respondent said that she had a shop application at home and that the shop was not open to the public, inspector observed a sign in the window with shop hours and saying "opening soon".

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

14. Case No.: L07-COS-RBS-2007078181

August 28, 2007 Notice of Violation provides that the inspector observed an unlicensed individual performing a pedicure.

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

15. Case No.: L07-COS-RBS-2007077691

August 24, 2007 Notice of Violation provides that the inspector observed two (2) unlicensed individuals practicing cosmetology on customers. Shop owner confirmed that they were unlicensed.

Recommendation: Authorize formal hearing (Consent Order with \$1,000.00 civil penalty)

16. Case No.: L07-COS-RBS-2007077701

August 23, 2007 Notice of Violation provides that the inspector observed an unlicensed individual practicing cosmetology in the shop and the following unsanitary conditions: no UV sanitizer; workstations dirty; dirty towel hampers need lids; barbicide needed; and shampoo bowls dirty.

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

17. Case No.: L07-COS-RBS-2007072001

Complainant alleges that she received inadequate manicuring services at a school that was due to poor instruction received at the school. School owner denies the allegations.

Recommendation: Send inspector and board member for inspection

18. Case No.: L07-COS-RBS-2007073971

Complainant, student at the Respondent school provides that the school has implements that are rusty, the equipment is broken, and there is no ventilation. Complainant also alleges that there is a part time instructor at the school who is not licensed. Complainant states that he has a sworn written statement from a previous instructor that she was told by the Financial Aid Department at the school to falsify grades. School owner denies the allegations.

Recommendation: Send board member and inspector

19. Case No.: L07-COS-RBS-2007077021

August 7, 2007 Notice of Violation provides that the inspector observed an unlicensed individual practicing manicuring in the shop.

Prior complaints:

1998- two complaints of unlicensed operator, both resolved with \$500.00 civil penalties.

Recommendation: Authorize formal hearing (Consent Order with \$1,000.00 civil penalty)

20. Case No.: L07-COS-RBS-2007077061

August 7, 2007 Notice of Violation provides that the inspector found the new owner practicing cosmetology on a customer without a license.

Prior complaints:

1995- unlicensed operator, \$500.00 civil penalty.

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty) (combine with 37. make \$1,500.00 civil penalty)

21. Case No.: L07-COS-RBS-2007074471

Complainant alleges that the Respondent, shop owner is allowing unlicensed individuals (students) to practice cosmetology in the shop.

Recommendation: Refer to investigations (Dr. Adcock to recuse)

22. Case No.: L07-COS-RBS-2007072161

August 8, 2007 Notice of Violation provides that the Respondent, shop owner moved the location of the shop prior to application and inspection.

Prior complaints: None

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

23. Case No.: L07-COS-RBS-2007072181

August 2, 2007 Notice of Violation provides that the inspector observed two (2) unlicensed individuals performing manicuring services at the salon. Another manicurist at the salon stated that the individuals were unlicensed.

Recommendation: Authorize formal hearing (Consent Order with \$1,000.00 civil penalty)

24. Case No.: L07-COS-RBS-2007072201

July 27, 2007 Notice of Violation provides that an unlicensed individual was practicing cosmetology on a customer at the shop.

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

25. Case No.: L07-COS-RBS-2007072211

August 3, 2007 Notice of Violation provides that the inspector found two (2) unlicensed individuals practicing cosmetology on customers.

Prior complaints:

2005- unlicensed operator, \$500.00 civil penalty

2005- unlicensed operator, \$1,000 civil penalty

Recommendation: Authorize formal hearing (Consent Order with \$2,000.00 civil penalty)

26. Case No.: L07-COS-RBS-2007072221

June 27, 2007 Notice of Violation provides that inspector observed individual practicing manicuring in the shop without a license; name of unlicensed individual was provided to inspector by shop owner.

Prior complaints:

2005- Closed

2005- Letter of Warning

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

27. Case No.: L07-COS-RBS-2007072271

August 7, 2007 Notice of Violation provides that the inspector observed an unlicensed individual practicing manicuring without a license.

Prior complaints:

1999- unlicensed operator, \$500.00 civil penalty;

2004/2005- unlicensed operator, \$2,000 civil penalty;

2006- shop license expired, \$250.00 civil penalty.

Recommendation: Authorize formal hearing (\$1,000 civil penalty)

28. Case No.: L07-COS-RBS-2007073881

August 8, 2007 Notice of Violation provides that an unlicensed individual was practicing manicuring at the shop; however, inspector states that the wallet ID card matched the license on the wall, but that the individual did not have another form of ID and could not remember her social security number. Inspector also indicated that the shop manager's license was expired, but shop manager was not working that day.

2006- unlicensed operator, \$500.00 civil penalty

Recommendation: Letter of Warning about the shop manager license.

29. Case No.: L07-COS-RBS-2007074431

August 16, 2007 Notice of Violation provides that the inspector observed an unlicensed individual practicing manicuring at the shop without a license.

Prior complaints: None

Recommendation: Authorize formal hearing (Consent Order with \$500.00 civil penalty)

30. Case No.: L07-COS-RBS-2007079021

Complainant states that her hair color turned pink; the stylist would not return phone calls; stylist was unable to fix hair; and, stylist refused to refund her money.

Recommendation: Refer to Consumer Affairs

30. Case No.: L07-COS-RBS-2007079381

Complainant alleges that she suffered second degree burns on her scalp after Respondent applied a relaxer. Complaint states that she feels Respondent did not take her needs into consideration when deciding which product to use and when dealing with the subsequent injury.

Respondent states that she has given Complainant six (6) chemical relaxer retouches since December 2006, without incident. Respondent states that on the day of this treatment, Complainant was wearing a tight head scarf that caused her pores to open and therefore made her scalp more sensitive than usual. Respondent also states that she told Complainant that she should stop getting relaxers until she could find out what was wrong with her scalp. Respondent also points out that Complainant got another treatment from another cosmetologist less than two (2) weeks after she was diagnosed with the burns.

Recommendation: Refer to Consumer Affairs

32. Case No.: L07-COS-RBS-2007083261

October 2, 2007 Notice of Violation provides that the inspector observed an unlicensed employee performing a pedicure.

Recommendation: Formal Hearing (\$500 civil penalty)

33. Case No.: L07-COS-RBS-2007083311

August 31, 2007 Notice of Violation provides that Respondent is operating a cosmetology shop without a shop license.

Recommendation: Cease & Desist

34. Case No.: L07-COS-RBS-2007083321

Inspector received reports that an individual was operating a cosmetology shop at a flea market. Inspector did not find the booth open or the individual there. Inspector will revisit at a later date.

Recommendation: Close

35. Case No.: L07-COS-RBS-2007083331

A consumer provided a member of the staff photos of individuals working in Respondent nail salon. According to the consumer, one of the individuals in the photo is unlicensed and another is working under the license of someone else. Inspector visited the shop and found the woman reported to be working under a borrowed license. The individual was wearing a name tag identifying herself as the licensed person and was able to provide identification; although the identification card had been cut (the individual stated that her children had cut it while they were playing). The individual was able to answer Inspector's questions about identity but could not remember the name of the school she claimed to have attended in California.

Recommendation: Letter of Warning – follow up inspection

36. Case No.: L07-COS-RBS-2007083341

September 25, 2007 Notice of Violation provides that Inspector observed an unlicensed individual performing a pedicure and hot wax for eyebrow shaping.

Recommendation: Formal Hearing (\$750 civil penalty)

37. Case No.: L07-COS-RBS-2007083351

September 7, 2007 Notice of Violation provides that Inspector observed an unlicensed individual performing cosmetology services. The next day Inspector received a call that the individual was still working. Inspector spoke to Respondent and told her to cease and desist.

Recommendation: Formal Hearing (\$1000 civil penalty) (combine with 20 and make \$1,500 civil penalty)

38. Case No.: L07-COS-RBS-2007083371

September 27, 2007 Notice of Violation states that Respondent manicure shop has a room set up for waxing.

Recommendation: Formal Hearing (\$250 civil penalty)

39. Case No.: L07-COS-RBS-2007083381

October 4, 2007 Notice of Violation provides that Respondent is operating an unlicensed cosmetology shop. Inspector has spoken to Respondent prior to date of inspection and has told Respondent that she cannot operate a shop without a license.

Recommendation: Formal Hearing (\$1,000 civil penalty)

40. Case No.: L07-COS-RBS-2007083411

August 24, 2007 inspection of Respondent cosmetology shop was made in response to a complaint that a student was working at the shop. Inspector found a station set up for the student, although the student was not working at the time. Respondent owner also stated that the student had been working at the shop for 3 or 4 weeks. When student returned to shop, Inspector instructed her to pack up her work station and leave.

Recommendation: Close with Letter of Instruction

41. Case No.: L07-COS-RBS-2007080951

Consumer complainant alleges that a manicurist rubbed the skin off of her right toe during a pedicure. Respondent refused to refund Complainant's money. Complainant also states that she did not witness the manicurist disinfect the pedi tub or remove tools from sanitizer.

Respondent received a 100 on their inspection dated September 24, 2007.

Recommendation: Letter of Warning; Refer to Consumer Affairs

42. Case No.: L07-COS-RBS-2007082251

September 27, 2007 Notice of Violation provides that Inspector found the following violations: dirty stations and manicure tables with no sanitizers in drawers; and, one unlicensed individual performing a pedicure.

Recommendation: Formal Hearing (\$1,000 civil penalty)

43. Case No.: L07-COS-RBS-2007082271

September 19, 2007 Notice of Violation provides that Respondent failed to have a manager on duty at the time of inspection.

Recommendation: Letter of Warning

44. Case No.: L07-COS-RBS-2007082281

September 20, 2007 Notice of Violation provides that an individual was working at Respondent cosmetology shop with a Mississippi license.

Recommendation: Close with Letter of Instruction

45. Case No.: L07-COS-RBS-2007082291

Respondent is operating an unlicensed cosmetology shop.

Recommendation: Cease & Desist w/Instruction

46. Case No.: L07-COS-RBS-2007082301

September 19, 2007 Notice of Violation provides that Respondent was working with a license that expired on February 28, 2007. Respondent has renewed her license and is current.

Recommendation: Letter of Warning

47. Case No.: L07-COS-RBS-2007082311

September 21, 2007 Notice of Violation provides that Respondent was operating a cosmetology shop without a license and was working with an expired cosmetology license. Respondent has renewed her personal license.

Recommendation: Formal Hearing (\$500.00 civil penalty)

48. Case No.: L07-COS-RBS-2007082331

September 20, 2007 Notice of Violation provides that Respondent allowed an individual licensed in North Carolina to work.

Recommendation: Close with Letter of Instruction

49. Case No.: L07-COS-RBS-2007082341

September 11, 2007 Notice of Violation provides that Inspector found a wax machine ready for use at Respondent manicure shop.

Recommendation: Letter of Warning

50. Case No.: L07-COS-RBS-2007082351

September 11, 2007 Notice of Violation states that Respondent was operating a cosmetology shop prior to the initial inspection.

Recommendation: Formal Hearing (\$500 civil penalty)

51. Case No.: L07-COS-RBS-2007085361

October 16, 2007 Notice of Violation provides that Respondent acquired ownership of salon without completing a change of ownership. Inspector states that this is Respondent's first salon. Inspector instructed Respondent on the administrative process and provided her with a rule book.

Recommendation: Close with Letter of Warning

52. Case No.: L07-COS-RBS-2007085401

October 16, 2007 Notice of Violation states that Inspector found an individual licensed in Michigan working in Respondent cosmetology shop.

Recommendation: Close with Letter of Instruction

53. Case No.: L07-COS-RBS-2007085421

October 10, 2007 Notice of Violation provides that an individual licensed in South Carolina was performing a pedicure at Respondent manicure shop. The individual stated that she had applied for reciprocity.

Recommendation: Close with Letter of Instruction

54. Case No.: L07-COS-RBS-2007085531

September 21, 2007 Notice of Violation provides that an unlicensed individual was working at Respondent manicure shop. Inspector instructed the unlicensed individual to cease and desist; the individual complied and left the shop.

Recommendation: Formal Hearing (\$750 civil penalty)

55. Case No.: L07-COS-RBS-2007081751

Complainant states that his business is being "inundated with acetone vapors" from the neighboring manicure shop, making their employees sick and repelling their customers. Respondent states that he has been operating in the same location for 10 years and has never received a complaint like this. Respondent also provided pictures showing his ventilation system and various fans and air purifiers.

Recommendation: Dismiss

56. Case No.: L07-COS-RBS-2007083891

October 12, 2007 Notice of Violation provides that an unlicensed individual was working at Respondent manicure shop. The individual had proof that he applied for reciprocity but was denied because the Board needed more information.

Recommendation: Close with Letter of Instruction

57. Case No.: L07-COS-RBS-2007065421

Complainant alleges that employees of the supply store are performing natural hairstyling in a hair supply store without the proper licenses. An investigator and an inspector found an individual braiding hair in the back room. Respondent stated that she had applied to take the test but was waiting for a copy of her high school diploma from Africa.

Recommendation: Cease & Desist

MOTION was made by Ms. Hazel Moore and seconded by Ms. Muriel Smith to accept the recommendations. Motion carried unanimously.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to adjourn the meeting. Motion carried unanimously.